



General Assembly

***Substitute Bill No. 6178***

*January Session, 2001*

***AN ACT CONCERNING LOCAL REGULATION OF THE SITING OF  
TELECOMMUNICATIONS TOWERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (a) As used in sections 1 to 5, inclusive, and  
2       sections 7 and 8 of this act, subsection (f) of section 8-7d of the general  
3       statutes, as amended by this act, section 16-50i of the general statutes,  
4       as amended by this act, and subsection (d) of section 16-50t of the  
5       general statutes, as amended by this act, "personal wireless services"  
6       means personal wireless services, as defined in 47 USC 332(c)(7), as  
7       amended, and "telecommunications tower" means a structure, free-  
8       standing or attached to a building or another structure, that (A) has a  
9       height greater than its diameter, (B) rises above its surroundings, and  
10      (C) is used principally to support one or more antennas for (i) sending  
11      or receiving signals to or from satellites, (ii) receiving or sending radio  
12      frequency signals, or (iii) personal wireless services.

13      (b) The zoning commission of each municipality may regulate, as  
14      part of the zoning regulations adopted under section 8-2 of the general  
15      statutes or under any special act, the siting of telecommunications  
16      towers, provided the regulations adopted pursuant to this section are  
17      adopted on or before February 1, 2002, and are in compliance with 47  
18      USC 332(c)(7), as amended, and any regulations adopted pursuant to  
19      said 47 USC 332(c)(7). Such zoning regulations shall be in addition to  
20      the zoning requirements, standards and criteria adopted pursuant to  
21      section 8-2 of the general statutes. Regulations adopted pursuant to  
22      this section shall be effective February 1, 2002.

23       Sec. 2. (NEW) (a) Notwithstanding the provisions of section 16-50i  
24 of the general statutes, as amended by this act, the Connecticut Siting  
25 Council shall not have jurisdiction after February 1, 2002, over the  
26 siting of telecommunications towers proposed to be located in a  
27 municipality if such municipality adopts zoning regulations pursuant  
28 to section 1 of this act on or before February 1, 2002.

29       (b) Notwithstanding the provisions of this section and section 16-50i  
30 of the general statutes, as amended by this act, the Connecticut Siting  
31 Council shall not have jurisdiction over the siting of  
32 telecommunications towers in any municipality whose zoning  
33 commission adopted regulations that specifically addressed  
34 telecommunications towers pursuant to section 8-2 of the general  
35 statutes on or before the effective date of this act.

36       Sec. 3. (NEW) (a) The chief elected official of each municipality shall  
37 file, annually, with the Connecticut Siting Council, electronically or  
38 otherwise, a report containing the location, type and height of each  
39 existing and proposed telecommunications tower in such municipality.

40       (b) On or before December 1, 2001, the Connecticut Siting Council  
41 shall develop, maintain and update monthly a state-wide  
42 telecommunications coverage database that includes the location, type  
43 and height of all telecommunications towers in the state, as well as  
44 those towers specified in subdivision (6) of subsection (a) of section 16-  
45 50i of the general statutes, as amended by this act. Such database shall  
46 be available for inspection by the public in hard copy and shall be  
47 accessible electronically by means of the Internet or other media  
48 systems available to the public. Upon request of a municipality, the  
49 council shall supply any information contained in the database to the  
50 municipality.

51       (c) On or before July 1, 2002, the Connecticut Siting Council shall  
52 develop a plan for state-wide telecommunications coverage and  
53 annually shall review and revise such plan as necessary. The plan shall  
54 be consistent with the federal Telecommunications Act of 1996, as

55 amended, and with the tower sharing provisions of section 16-50aa of  
56 the general statutes. The plan shall contain information on population  
57 growth in the state and an analysis of existing and projected demands  
58 for telecommunications coverage. On or before October 1, 2002, the  
59 Connecticut Siting Council shall supply all information contained in  
60 such plan concerning a municipality and its abutting or adjoining  
61 municipalities to each municipality that adopts zoning regulations  
62 pursuant to section 1 of this act.

63 (d) On or before April 1, 2003, each municipality that adopts zoning  
64 regulations pursuant to section 1 of this act shall develop a municipal  
65 telecommunications coverage plan. Such plan shall consider the  
66 information provided to the municipality pursuant to subsection (c) of  
67 this section, and shall include the mapping of all existing  
68 telecommunications towers, radio frequency propagation modeling of  
69 existing coverage, hypothetical coverage from alternative sites, and  
70 identification of sensitive areas for restrictive use. The plan may  
71 delineate one or more areas of the municipality within which  
72 applications for the siting of telecommunications towers that meet pre-  
73 established criteria shall receive accelerated approval. Such plan shall  
74 be consistent with (1) 47 USC 332(c)(7), as amended, and any  
75 regulations adopted pursuant to said USC 332(c)(7), (2) the Code of  
76 Federal Regulations Title 47, Part 22, as amended, (3) tower sharing  
77 provisions of section 16-50aa of the general statutes, and (4) the state-  
78 wide telecommunications coverage plan adopted by the Connecticut  
79 Siting Council pursuant to subsection (c) of this section. At the request  
80 of a municipality, the Connecticut Siting Council shall provide  
81 technical assistance to the municipality in preparing a plan under this  
82 subsection.

83 Sec. 4. (NEW) (a) An applicant that proposes to locate a  
84 telecommunications tower in a municipality that has adopted  
85 regulations pursuant to section 1 of this act first shall submit its  
86 application for such telecommunications tower to the Connecticut  
87 Siting Council for an evaluation of public need for such tower.  
88 Jurisdiction of the Connecticut Siting Council over such application

89 shall be limited to the issuance of an opinion of public need for such  
90 tower.

91 (b) The Connecticut Siting Council shall complete an evaluation of  
92 public need not more than thirty days after submission of an  
93 application. A copy of the opinion shall be sent by the council by  
94 certified mail, return receipt requested, to the applicant and the  
95 municipality in which the proposed tower is to be located. An  
96 applicant may submit an application to locate a telecommunications  
97 tower to the municipality only if the Connecticut Siting Council issues  
98 an opinion of public need for such telecommunications tower. If the  
99 opinion of the council is that there is no public need, the applicant may  
100 not submit the application to the municipality. If the opinion of the  
101 Connecticut Siting Council states there is a public need for the  
102 proposed telecommunications tower, such opinion shall not constitute  
103 approval of such application.

104 (c) Any applicant aggrieved by an opinion of the Connecticut Siting  
105 Council under this section may take an appeal in accordance with  
106 section 4-183 of the general statutes to the judicial district for the  
107 municipality in which the telecommunications tower is proposed to be  
108 located. If the court finds for the applicant, the applicant may submit  
109 an application to locate the telecommunications tower to the  
110 municipality along with a copy of the decision of the court.

111 Sec. 5. (NEW) (a) An application for siting of a telecommunications  
112 tower shall be approved by a municipality's zoning commission if  
113 such application is consistent with (1) the municipal  
114 telecommunications coverage plan, developed pursuant to section 3 of  
115 this act, (2) the zoning regulations of the municipality adopted  
116 pursuant to section 1 of this act, and (3) the provisions of 47 USC  
117 332(c)(7), as amended.

118 (b) The Connecticut Siting Council shall be a party in any  
119 proceeding on an application to a municipality for the siting of a  
120 telecommunications tower.

121 (c) Any approval by a zoning commission of an application under  
122 regulations adopted pursuant to section 1 of this act shall be rendered  
123 in accordance with and subject to the provisions of chapter 124 of the  
124 general statutes, except that, notwithstanding the provisions of section  
125 8-8 of the general statutes, an appeal shall be limited to whether (A)  
126 the municipality has a telecommunications coverage plan pursuant to  
127 section 3 of this act, and (B) the decision is consistent with 47 USC  
128 332(c)(7), as amended, and any regulations adopted pursuant to USC  
129 332(c)(7). The aggrieved party shall have the burden of proof in any  
130 such appeal.

131 (d) Notwithstanding the provisions of this section, a municipality  
132 that adopts zoning regulations pursuant to section 1 of this act but fails  
133 to develop a municipal telecommunications coverage plan pursuant to  
134 section 3 of this act shall have the burden of proof in any appeal.

135 Sec. 6. Section 8-7d of the general statutes is amended by adding  
136 subsection (f) as follows:

137 (NEW) (f) Notwithstanding the provisions of this section, if an  
138 application involves the siting of a telecommunications tower pursuant  
139 to regulations adopted under section 1 of this act, any hearing on such  
140 application shall commence not later than thirty-five days after receipt  
141 of such application, and shall be completed not later than thirty days  
142 after such hearing commences. Any decision on such application shall  
143 be rendered not later than one hundred fifty days after receipt of such  
144 application. The provisions of this subsection shall not be construed to  
145 apply to any extension consented to by an applicant.

146 Sec. 7. (NEW) The Connecticut Siting Council shall develop,  
147 maintain and provide a training and education program in cellular  
148 system issues and personal wireless service issues for municipal  
149 officials and employees. The Connecticut Siting Council shall provide  
150 such program to municipalities without fee.

151 Sec. 8. (NEW) The Connecticut Siting Council shall be a party in any  
152 court proceeding concerning a decision by a zoning commission on the

153 siting of telecommunications towers in accordance with zoning  
154 regulations adopted under section 1 of this act.

155       Sec. 9. Subsection (a) of section 16-50i of the general statutes is  
156 repealed and the following is substituted in lieu thereof:

157       (a) "Facility" means: (1) An electric transmission line of a design  
158 capacity of sixty-nine kilovolts or more, including associated  
159 equipment but not including a transmission line tap, as defined in  
160 subsection (e) of this section; (2) a fuel transmission facility, except a  
161 gas transmission line having a design capability of less than two  
162 hundred pounds per square inch gauge pressure; (3) any electric  
163 generating or storage facility using any fuel, including nuclear  
164 materials, including associated equipment for furnishing electricity but  
165 not including an emergency generating device, as defined in  
166 subsection (f) of this section or a facility (i) owned and operated by a  
167 private power producer, as defined in section 16-243b, (ii) which is a  
168 qualifying small power production facility or a qualifying  
169 cogeneration facility under the Public Utility Regulatory Policies Act of  
170 1978, as amended, or a facility determined by the council to be  
171 primarily for a producer's own use, and (iii) which has, in the case of a  
172 facility utilizing renewable energy sources, a generating capacity of  
173 one megawatt of electricity or less and, in the case of a facility utilizing  
174 cogeneration technology, a generating capacity of twenty-five  
175 megawatts of electricity or less; (4) any electric substation or  
176 switchyard designed to change or regulate the voltage of electricity at  
177 sixty-nine kilovolts or more or to connect two or more electric circuits  
178 at such voltage, which substation or switchyard may have a substantial  
179 adverse environmental effect, as determined by the council established  
180 under section 16-50j, and other facilities which may have a substantial  
181 adverse environmental effect as the council may, by regulation,  
182 prescribe; (5) such community antenna television towers and head-end  
183 structures, including associated equipment, which may have a  
184 substantial adverse environmental effect, as said council shall, by  
185 regulation, prescribe; and (6) such telecommunication towers,  
186 including associated telecommunications equipment [,] (A) owned or

187 operated by the state, a public service company or a certified  
 188 telecommunications provider, (B) on or before February 1, 2002, used  
 189 in a cellular system, as defined in the Code of Federal Regulations Title  
 190 47, Part 22, as amended, other than personal communication services,  
 191 as described in 47 USC 153(1)(c), except as provided for in section 2 of  
 192 this act, and (C) after February 1, 2002, used to provide personal  
 193 wireless service, as defined in 47 USC 332(c)(7), as amended, except  
 194 where the zoning commission in which such tower is to be sited has  
 195 adopted regulations pursuant to section 1 of this act, or used in a  
 196 cellular system, as defined in the Code of Federal Regulations Title 47,  
 197 Part 22, as amended, which may have a substantial adverse  
 198 environmental effect, as said council shall, by regulation, prescribe.

199 Sec. 10. Section 16-50t of the general statutes is amended by adding  
 200 subsection (d) as follows:

201 (NEW) (d) The Connecticut Siting Council may adopt regulations,  
 202 in accordance with the provisions of chapter 54, to prescribe fees in an  
 203 amount sufficient to cover the reasonable cost of (1) preparation and  
 204 maintenance of the telecommunications coverage database and the  
 205 statewide telecommunications coverage plan, and provision of  
 206 technical assistance to municipalities, as required under section 3 of  
 207 this act, (2) evaluation of public need for applications and activities in  
 208 any court proceedings under section 4 of this act, (3) participation as a  
 209 party in local zoning matters under section 5 of this act, (4) provision  
 210 of training and education services under section 7 of this act, and (5)  
 211 activities in court proceedings under section 8 of this act.

212 Sec. 11. This act shall take effect from its passage.

<b>ET</b>	<b>JOINT FAVORABLE C/R</b>	<b>PD</b>
<b>PD</b>	<b>JOINT FAVORABLE SUBST.</b>	
<b>JUD</b>	<b>JOINT FAVORABLE</b>	
<b>FIN</b>	<b>JOINT FAVORABLE</b>	